

## COVINGTON

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**By ECF**

July 20, 2018

The Honorable J. Paul Oetken  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *Sanabria v. Williams*, Case No. 09-CV-08925 (JPO) (LMS)**

Dear Judge Oetken:

We represent Petitioner Christina Sanabria in connection with the above-referenced Petition for Writ of Habeas Corpus (“the Petition”). We write in response to the Order dated July 10, 2018, directing Counsel for Petitioner to submit a status letter to the Court by July 25, 2018 (ECF No. 51).

The Petition was stayed and held in abeyance pursuant to the Court’s July 10, 2014 Order (ECF No. 46). In accordance with that Order, Ms. Sanabria filed a motion to vacate her judgment under NY CPL § 440.10 in the Dutchess County Supreme Court. The Dutchess County Supreme Court denied Ms. Sanabria’s motion on March 15, 2016. Thereafter, Ms. Sanabria appealed that decision and filed a Motion for Writ of Coram Nobis in the New York Appellate Division, Second Department. By decision issued on January 17, 2018, the Appellate Division granted Ms. Sanabria’s Motion for Writ of Coram Nobis and vacated Ms. Sanabria’s convictions. *People v. Sanabria*, 157 A.D.3d 828, 829 (2d Dep’t 2018). The Appellate Division dismissed Ms. Sanabria’s § 440.10 appeal as academic in light of its decision to grant the Motion for Writ of Coram Nobis. On April 18, 2018, the New York Court of Appeals denied the People’s motion for leave to appeal the Appellate Division’s decision granting Ms. Sanabria’s Motion for Writ of Coram Nobis. 31 N.Y.3d 1017 (2018).

As Ms. Sanabria’s convictions have now been vacated and she is no longer being held in state custody, the Petition is moot. Accordingly, we and the Respondent have filed a stipulation to dismiss the Petition under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Respectfully submitted,

s/ Gregory S. Nieberg  
Gregory S. Nieberg

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cc:     Bridget Rahilly, Esq.  
       Lynn A. Neils, Esq.